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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Allan D. McLean
Application No. 10/081,731
Filed: February 21, 2002
Confirmation No. 9443
For: APPLE TREE NAMED 'MC38'
Examiner: Susan B. McCormick
Art Unit: 166!
Attorney Reference No. 6582-59189

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney
for Applicant(s)

Date Mailed September 9, 2003

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

TRANSMITTAL LETTER

Enclosed is an Amendment for the above application. The fee has been calculated as shown below.

| CLAIMS AS AMENDED | | | | | |
|--|---------------------|-------------------------|---------------|---------|-----------------|
| For | No. after amendment | No. paid for previously | Present Extra | Rate | Fee |
| Total Claims | 1 | - 1* | = 0 | \$9.00 | \$ 0.00 |
| Indep. Claims | 1 | - 3** | = 0 | \$42.00 | \$ 0.00 |
| Mult. Dep. Claims Fee (if not previously paid) | | | | | \$140.00 |
| One-month Extension of Time | | | | | \$55.00 |
| Two-month Extension of Time | | | | | \$205.00 |
| Three-month Extension of Time | | | | | \$465.00 |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT | | | | | \$465.00 |

* greater of twenty or number for which fee has been paid

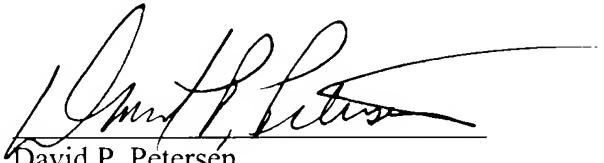
** greater of three or number for which fee has been paid

Applicant petitions for an extension of time for the number of months indicated above. If an additional extension of time is required please consider this a petition therefor.

- A check in the amount of \$465.00 is attached.
- Small entity status is claimed for this application.
- Please charge any additional fees that may be required in connection with filing this amendment and any extension of time, or credit any overpayment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed.
- Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By 
David P. Petersen

Registration No. 28,106

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cc: Docketing

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For: APPLE TREE NAMED 'MC38'
Examiner: Susan B. McCormick
Art Unit: 1661
Attorney Reference No. 6582-59189

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RESPONSE

This responds to the Office action dated March 11, 2003.

Remarks begin on page 2.